



**COUNTY OF PLACER**

**MEMORANDUM FROM THE  
OFFICE OF  
COUNTY COUNSEL**

**EXTENSION 4044  
FACSIMILE 4069**

TO: Michael Paddock, Senior Management Analyst, County Executive Office  
FROM: Anthony J. La Bouff, County Counsel  
DATE: July 20, 2001  
RE: Response to Grand Jury Report

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Attached is my response to the Grand Jury Report.

AJL/dkp

Enclosure

Cc: Jan Christofferson, County Executive officer  
John Marin, Administrative Officer to the Board of Supervisors

## **RESPONSE TO GRAND JURY REPORT: "PLACER COUNTY BOARD OF SUPERVISORS EXPENSE REIMBURSEMENT POLICY"**

The Board of Supervisors, the County Executive Office, the Placer County Counsel, respond to the report of the Grand Jury as follows.

The Board of Supervisors thanks the Grand Jury for reporting on this matter, and notes that no specific violations or allegations of wrongdoing have been reported. The Grand Jury, however, in a positive statement, does forward the recommendation that the expense claims process for elected officials, particularly members of the Board of Supervisors, should be clarified.

### **Background:**

The Board of Supervisors, its staff generally agree with the discussion of the Grand Jury report as to how expense claims for members of the Board of Supervisors are currently handled. It is the statutory duty of the Auditor-Controller to only issue warrants that are validly claimed against the County and this is currently the practice of the Auditor. Clearer rules however may assist all in this process.

The Grand Jury speaks in part generically as to all elected officials, while also addressing only the Board of Supervisors. By attaching the existing adopted policies regarding expenses, the Grand Jury implies a disapproval of those policies without any specific recommendation or direction.

Not discussed in the report is the judgment entered in the litigation, *Alex Ferreira v. Kimbuck Williams, Jr., in his official Capacity as Auditor/Controller of the County of Placer; and Does 1 through 100, inclusive*, Placer County Superior Court Case No.: 00553, that already defines in detail allowable claims of the Board of Supervisors. It has been the policy of the Board of Supervisors, the County Executive, the Administrative Officer to the Board of Supervisors, the County Counsel, to process all claims by the Board of Supervisors consistent with the judgment of the Superior Court.

### **Finding 1: "There is a need for a clear-cut definition of necessary and reasonable reimbursable expenses for elected County officials."**

### **Response:**

We agree with this finding.

As interpreted by the Superior Court of Placer County, it is impossible to lay out a set of rules that define all "necessary" and all "reasonable" determinations with regards to expenses. The County has created a detailed existing policy on meals, lodging, travel and transportation applicable to all employees including department heads (including elected department heads) and

specifically addressing members of the Board of Supervisors. The opinion of the Grand Jury that these rules are insufficient in detail will stimulate the County to further review/refine these rules.

**Recommendation 1:**

**"The County should develop a policy to include a clearer definition of necessary and reasonable reimbursable expenses for elected officials."**

**Response:**

We agree with this finding.

The County has a policy in existence, a copy of which was provided to the Grand Jury and is attached to the report of the Grand Jury. However, the County is prepared to review this policy to attempt to further clarify the rules.

**Finding 2: "The review of elected officials' reimbursable expenses needs to be conducted by an entity that can examine the claims with respect to the new policy."**

We agree with this finding.

The Board of Supervisors and the other responding parties to this report agree with this finding.

**Recommendation 2:**

**"The responsibility for reviewing elected County officials' expense claims be delegated to the Auditor-Controller's office."**

**Response:**

We agree with this finding.

The County and responding parties agree that if there is any ambiguity about the delegation of this duty, it should henceforth end. The Auditor-Controller is responsible for the issuance of warrants, including warrants for reimbursements for claims to elected officials and is already carrying out this duty.